

EXHIBIT D

1 STATE OF GEORGIA GENERAL ASSEMBLY

2

3

4

5

6 2019-2020 REGULAR SESSION
7 Monday, March 18th, 2019
Georgia State Capitol

8

9

10

11 BEFORE THE SENATE STANDING COMMITTEE ON
SCIENCE AND TECHNOLOGY

12

13

14 Senator Renee S. Unterman, Chairperson
15 Senator Greg Dolezal
15 Senator Lee Anderson
15 Senator William T. Ligon Jr.
16 Senator Jennifer Jordan
16 Senator Valencia Seay

17

18 Transcript of Hearing on Amendments

19

20

21

22 Reported from electronic media by
22 Elizabeth R. Hollingsworth, CCR B-1319

23

24

25

1 March 18, 2019 Page 1

8:00 a.m.

3 CHAIRPERSON UNTERMAN: We'll get
4 started this morning. I'd like to welcome you to
5 the State Capitol. Today is March the 18th, and
6 it's a little bit after 8:00. We were waiting on
7 amendments to be copied. So I'd like to welcome
8 you, the Science & Technology Committee.

9 And, Senator Ligon, if you could have
10 us a morning devotional, I would appreciate it.

11 (Whereupon a prayer was given.)

12 CHAIRPERSON UNTERMAN: Thank you.

13 So as many of you know, this committee
14 held a meeting last Thursday on House Bill 481
15 that lasted more than three hours. That meeting
16 was devoted to public comment because of the
17 importance of the proposed legislation.

18 The individuals who appeared before the
19 committee presented passionate and well-reasoned
20 arguments both in support of and in opposition to
21 House Bill 481.

22 I was very impressed with the decorum,
23 restraint, and respect that was exhibited by the
24 audience last Thursday. The comment part of the
25 legislative process is over, and now it is the job

1 of this committee to decide whether to take action
2 on House Bill 481.

3 I trust that everyone understands that
4 this committee needs an environment that is
5 conducive to a thoughtful consideration of House
6 Bill 481. As a result, displaced disruptions and
7 outbursts will not be tolerated. Specifically,
8 there will be no applause, boos, or hisses. There
9 will also not be any loud conversations and other
10 such conduct which may disturb the proceedings.

11 Although this committee meeting will
12 differ from last Thursday because there will be no
13 public comment, I expect the individuals in this
14 audience to exhibit the same level of decorum,
15 restraint, and respect that the audience exhibited
16 last Thursday.

17 Please check your cell phones. Cell
18 phones are permitted, but they either must be
19 turned off or placed on silent mode. Phone calls
20 shall not be initiated or answered during the
21 meeting. Texting and emailing on a cell phone are
22 permitted provided it is done silently.

23 To everyone who was not able to be
24 accommodated in this room or able to make it to
25 the Capitol today, you can live stream this

1 meeting at Senate.ga.gov by clicking on the
2 Committee Live broadcast link on the main webpage,
3 and then clicking on the Science & Technology
4 meeting. It will take you to a page to view the
5 meeting.

6 Our nonpartisan Senate Twitter account
7 is also live tweeting this meeting and is sending
8 out the live stream link as I speak.

9 And thank you very much, Inis.

10 Their account is at Georgia Senate
11 Press. Lastly, the TVs in the hall outside this
12 room are streaming the meeting.

13 So with that, we'll get started. Make
14 sure everyone is working off of the same page. I
15 had four amendments that were submitted this
16 weekend. And I appreciate legislative counsel
17 staying here Sunday and working on these
18 amendments.

19 So there was some confusion about
20 Amendment No. 1 did not get sent. So it has now
21 been copied, and it's on a single sheet.
22 Amendment No. 2 and Amendment No. 3, and I'm not
23 accepting the fourth amendment. So 1, 2 and 3.
24 The fourth amendment I actually wrote, but I found
25 out that it was redundant and did not need to be

Page 4

1 submitted. So I left it in legislative counsel.

2 So we're working on LC 28 9331S in the
3 amendments. Does everyone have a copy of all
4 three amendments? Everyone got a copy?

5 (No audible response.)

6 The last -- 9335S, that's the one that
7 was in the committee on Friday. That's the last
8 version. The reason I said the other one, I
9 already had the other one marked up.

10 Okay. Everybody have the three
11 amendments? Everybody satisfied?

12 (No audible response.)

13 All right. Representative Setzler, if
14 you'll take the stand, please. And if you want to
15 clarify or give us --

16 We'll go through these amendments
17 individually, and you can answer them individually
18 after the presenter presents them.

19 So is there anything you want to add to
20 the testimony from Friday?

21 REPRESENTATIVE SETZLER: No, Madam
22 Chair. As it pleases the committee, I'll be glad
23 to answer any questions as they arise.

24 CHAIRPERSON UNTERMAN: Okay. Does
25 anyone have any questions left over from Friday?

1 I know it was a long evening. Does anyone have
2 any questions from last Friday?

3 (No audible response.)

4 Okay. No questions.

5 Okay. So we're working off the
6 substitute Amendment No. 1. The author, I
7 believe, is Senator Seay. If you want to present
8 that one?

9 SENATOR SEAY: Thank you, Madam Chair.

10 Amendment No. 1 is simple. It simply
11 eliminates the counting of fetuses in the
12 population measures.

13 CHAIRPERSON UNTERMAN: So you're
14 striking lines 58 through 73?

15 SENATOR SEAY: That's correct.

16 CHAIRPERSON UNTERMAN: And what is your
17 rationale for this?

18 SENATOR SEAY: I just don't agree with
19 it, Madam Chair. But thank you for asking.

20 REPRESENTATIVE SETZLER: And, Madam
21 Chair, at the appropriate time, I'd be glad to
22 address the amendment.

23 CHAIRPERSON UNTERMAN: Okay. Let me
24 just make sure. So that eliminates the population
25 count?

1 SENATOR SEAY: That's correct.

2 CHAIRPERSON UNTERMAN: Okay.

3 All right. Representative Setzler?

4 REPRESENTATIVE SETZLER: And, Madam

5 Chair, without, you know, belaboring the point too
6 long, it does do more -- it does that, but it also
7 does more than that.

8 Again, as we recognized before, the
9 courts have told us that states have the ability
10 to recognize rights more expansively than the
11 minimum standard of federal law and our Federal
12 Constitution. And this does provide the more
13 expansiveness recognition of natural persons to
14 include unborn children. So that would be
15 stripped from this as well.

16 That's foundational to the bill, and I
17 would ask members to thoughtfully oppose the
18 lady's amendment.

19 CHAIRPERSON UNTERMAN: Is there any
20 questions for Representative Setzler?

21 (No audible response.)

22 No questions.

23 Is there any questions for Senator
24 Seay?

25 (No audible response.)

Page 8

1 No questions.

2 I'll entertain a motion on Amendment

3 No. 1 to amend.

4 (Motion by Senator Jordan.)

5 CHAIRPERSON UNTERMAN: Okay. There's a
6 motion. Is there a second?

7 (Seconded by Senator Seay.)

8 CHAIRPERSON UNTERMAN: Okay. There's
9 a motion and a second. Discussion on Amendment
10 No. 1? Is there any discussion on Amendment
11 No. 1?

12 (No audible response.)

13 No discussion. Let the record reflect
14 there's no discussions on Amendment No. 1.

15 All in favor of Amendment No. 1, say
16 aye.

17 All opposed?

18 Let the record reflect one, two, three
19 opposed and two in favor. So the amendment fails.

20 Amendment No. 2.

21 SENATOR SEAY: Are you
22 ready (inaudible)?

23 CHAIRPERSON UNTERMAN: Yes, ma'am.

24 SENATOR SEAY: I'm seeking to amend
25 Chapter 7 of Title 48 in the Official Code of

1 Georgia Annotated relating to the income tax so as
2 to provide for unborn child with detectable human
3 heartbeat as a dependable minor. And so I wanted
4 to go back to 20 weeks for abortion --

5 CHAIRPERSON UNTERMAN: Wait. Wait.

6 SENATOR SEAT: Am I on the wrong one?

7 CHAIRPERSON UNTERMAN: I think you're
8 reading the wrong amendment.

9 SENATOR SEAY: I'm sorry.

10 CHAIRPERSON UNTERMAN: Amendment No. 2.

11 SENATOR SEAY: Okay. I'm sorry.

12 Getting ahead of myself.

13 CHAIRPERSON UNTERMAN: That's okay.

14 SENATOR SEAY: All right. All right.

15 Everybody --

16 CHAIRPERSON UNTERMAN: Can you talk a
17 little bit louder? I don't think they can hear
18 you. There you go. I know you can talk louder.

19 SENATOR SEAY: Oh, yeah.

20 CHAIRPERSON UNTERMAN: No. 1

21 cheerleader.

22 SENATOR SEAY: Okay. What Amendment
23 No. 2 is it goes back to the 20 weeks that
24 eliminates abortions. We want to just go back to
25 the 20 weeks that we already have on the books.

1 And if you want me to -- I can go ahead
2 and read the whole thing if you want me to. I
3 think we've got it --

4 CHAIRPERSON UNTERMAN: Well, we have it
5 in front of us.

6 SENATOR SEAY: Okay. That's what the
7 genesis behind the Amendment No. 2 does.

8 CHAIRPERSON UNTERMAN: Okay. So it
9 reverts back to the existing law?

10 SENATOR SEAY: Exactly.

11 CHAIRPERSON UNTERMAN: And it guts the
12 bill.

13 Representative Setzler?

14 REPRESENTATIVE SETZLER: Madam Chair, I
15 think you just summarized the effect of the
16 amendment, and it does -- it guts one of the core
17 premises of the bill, to permit abortion except in
18 circumstances where there's a -- beginning at the
19 point at which there's a fetal heartbeat.

20 Our 20-week law is -- I think was the
21 wise action of the legislature in 2012. But I
22 think as we follow science, we follow the dictates
23 of common sense and practicality, I think we
24 recognize that we'd do well to support the
25 heartbeat as the threshold. And I would oppose

Page 11

1 the amendment.

2 CHAIRPERSON UNTERMAN: Okay. Is there
3 any questions for Senator Seay?

4 (No audible response.)

5 No questions.

6 I'll entertain a motion on Amendment
7 No. 2 to the substitute.

8 (Motion by Senator Jordan, Seconded by
9 Senator Seay.)

10 CHAIRPERSON UNTERMAN: Senator Jordan
11 makes a motion. Senator Seay seconds.

12 Any other discussion?

13 (No audible response.)

14 All in favor, say aye.

15 All opposed?

16 Okay. Let the record reflect the vote
17 is one, two, three opposed and two in favor.

18 Okay. Amendment No. 3?

19 SENATOR SEAY: Okay. Finishing up with
20 Amendment No. 3, it simply eliminates the fetus
21 tax credit. And I think y'all have the amendments
22 before you.

23 CHAIRPERSON UNTERMAN: Okay.

24 Representative Setzler?

25 REPRESENTATIVE SETZLER: Madam Chair,

1 again, I think as we talked about earlier, this
2 bill is sound scientifically, legally, and
3 practically. And one of the practical benefits of
4 the bill as proposed is in recognizing the
5 humanity of the unborn child.

6 We're giving the opportunity for
7 mothers to receive child support at a certain
8 level of pregnancy. Likewise, families ought to
9 receive a tax deduction as with any other
10 dependent. And the amendment would take that
11 away.

12 I think we're simply seeking to be
13 consistent across the code in a commonsense way
14 that helps working families. And I think the
15 amendment would gut that benefit.

16 CHAIRPERSON UNTERMAN: Okay.

17 SENATOR JORDAN: Can I ask a question?

18 CHAIRPERSON UNTERMAN: Sure. Senator
19 Jordan?

20 SENATOR JORDAN: Do we have a fiscal
21 note on this yet?

22 REPRESENTATIVE SETZLER: We have done a
23 fiscal analysis. I will tell you that as we
24 talked to the fiscal note process with OPB, one of
25 the reasons I think we're faced with where we

1 are --

Page 13

2 One of the reasons we didn't require a
3 fiscal note in the House is because the
4 calculations are very straightforward and very
5 simple in terms of the cost. I'd be glad to share
6 that with the lady if it pleases the Chair.

7 As we look at this, as we began
8 analyzing this earlier in session relative to the
9 federal tax code and our tax code -- I'm going to
10 give a little background, and then I'll answer the
11 question directly if I could.

12 Our tax codes historically track with
13 federal tax law in terms of exemptions and
14 dependents.

15 Channel 2 just lost their microphone.
16 Let me set that back.

24 And as we've analyzed this looking at
25 where Georgia tax code is today and where it's

1 going in our current legislative process, there
2 was some question about whether we'd be tracking
3 with the federal standard exemption.

4 And, actually, Georgia is not moving in
5 that direction. We're moving -- or staying where
6 we are where every family member and dependent
7 gets their own dependent exemption.

8 So as that was clarified last week,
9 we're at a place where we know the cost of this
10 will be between 10- and \$20 million per year. And
11 that's been verified at a number of levels. I
12 could go through a formula and show you the way
13 that works.

14 Dependent family members have a \$4,150
15 exemption times the 5.75 percent tax rate. You'll
16 look at the number of children per year. You walk
17 through all that. It's a very straightforward
18 calculation, Senator.

19 I think the question of it being
20 potentially cheaper was the possibility of
21 standard exemptions, taking out 40 to 50 percent
22 of those in terms of the fiscal impact and it
23 being even cheaper.

24 But we know we're between 10- and \$20
25 million in terms of the long-term annual impact.

1 And it's a pretty straightforward calculation I'd
2 be happy to share with the lady.

3 SENATOR JORDAN: Well, do you have,
4 like, the note itself that was issued?

5 REPRESENTATIVE SETZLER: Yeah. And,
6 again, as you well know, we're in a place where
7 OPB and the fiscal office -- the answer is no.

8 SENATOR JORDAN: Thank you.

9 REPRESENTATIVE SETZLER: And I will say
10 the fiscal notes are required for propositions
11 that have multicomponent and complex calculations.

12 I think the lady will recognize we do
13 pass many bills through here that have a very
14 simple -- a very simple understanding of the cost
15 impacts without fiscal notes, and I think that's
16 how this would qualify.

17 CHAIRPERSON UNTERMAN: Is there any
18 others questions? Any other questions?

19 (No audible response.)

20 Okay. Senator Seay, I'll entertain a
21 motion on Amendment No. 3.

22 (Motion by Senator Jordan.)

23 CHAIRPERSON UNTERMAN: Is that your
24 amendment? I just want to make sure. I don't
25 have a name on it. Senator Jordan's making a --

1 SENATOR JORDAN: Yeah. It's Senator
2 Seay's, and I'm making a motion.
3 CHAIRPERSON UNTERMAN: Okay.
4 (Seconded by Senator Seay.)
5 There's a motion and a second. Senator
6 Seay seconds.

7 Any other discussion?
8 SENATOR LIGON: I'd like to make a
9 comment.

10 CHAIRPERSON UNTERMAN: Yes, sir.
11 Senator Ligon?

12 SENATOR LIGON: Thank you, Madam Chair.
13 I just think that removing this really
14 from a practical standpoint as well hurt families
15 and women because, I mean, when you're looking at
16 bringing a new child into the world, there are
17 expenses that accrue during the pregnancy,
18 expenses that accrue afterwards. And we need to
19 help families as much as we can.

20 And I think this is an important step
21 in the right direction. And I'm very familiar
22 with those expenses having a number of kids. So I
23 think we need to keep it in.

24 REPRESENTATIVE SETZLER: And, Madam
25 Chair, although no one asked, the specific amount

1 we're talking about is for an expecting family,
2 particularly that the child's conceived in the
3 latter half of the year. If they're conceived in
4 January, they're likely going to be born in the
5 same year. So there's no tax impact as you look
6 at this.

7 It's about a \$238 net impact to a
8 family if they're able to achieve this benefit.
9 So it's modest, doesn't break our bank, but it is
10 significant inasmuch as it does help expecting
11 families in the cost of preparing to bring a
12 bouncing baby into the nursery.

13 CHAIRPERSON UNTERMAN: So if they
14 become pregnant after April 15th, they get an
15 exclusion?

16 REPRESENTATIVE SETZLER: And, again,
17 Madam Chair, as it works, when the child is --
18 again, all the benefits in the bill accrue at the
19 point of fetal heartbeat.

20 If that's recognized in a year in which
21 the child's not brought into the world -- you
22 know, if mom gets pregnant in January, she would
23 deliver in the same year. So there's no -- and
24 they would be able to claim them under existing
25 law as a dependent. So there's no net impact to

1 the State --

2 CHAIRPERSON UNTERMAN: Right.

3 REPRESENTATIVE SETZLER: -- for January
4 and February.

5 But as you get later in the year, there
6 is a net impact. And that's where you allow
7 parents who, again, conceive a child later in the
8 year to achieve this -- to recognize this benefit.

9 CHAIRPERSON UNTERMAN: And also could
10 you elaborate on if you had a miscarriage and you
11 claimed it, it's no different than if you had a
12 child that died?

13 REPRESENTATIVE SETZLER: That's
14 correct. And that's also, Madam Chair, why we
15 recognize it as a heartbeat. You know, we know
16 oftentimes it's more likely in the very, very,
17 very earliest stages of the pregnancy to lose a
18 child.

19 But when the heartbeat is established,
20 we recognize -- and I shared with the Chair and
21 Members on Thursday -- there is a 95-percent
22 chance of carrying to term when the heartbeat's
23 established. So --

24 But should it happen late in the
25 pregnancy and you lose the child -- folks have

1 asked me the question -- just as if someone had a
2 child under our current law that was born and
3 tragically died three months later, after the
4 emotional impact's over and a family were actually
5 filing their taxes for that tax year, mom and dad
6 and the child that they lost, they would have a
7 third dependent for purposes of taxes under our
8 existing law.

9 This would be the same way. If they
10 lost a child with a late-term miscarriage, they
11 would be able to claim them for that tax year just
12 as they had lost any other child under our
13 existing tax code.

14 CHAIRPERSON UNTERMAN: Okay. All
15 right. So let's see.

16 I believe you made the motion. Senator
17 Seay seconds.

18 Any other discussion?

19 (No audible response.)

20 All in favor, say aye.

21 All opposed?

22 Okay. Let the record reflect the vote
23 is three to two, and the amendment fails.

24 Yes. Senator Seay?

25 SENATOR SEAY: Thank you, Madam Chair.

Page 20

1 I just want to say for the record that
2 when I hear the term "common sense" -- here in
3 Georgia, we all recognize that public policymakers
4 for the great state of Georgia comes from this
5 body. And in this body, I have made an attempt to
6 try to get commonsense approach to women having
7 the right to do what it is they do and that is
8 give birth.

9 Every woman who wants to give birth and
10 those who find themselves in a situation where
11 they have rape and incest -- and we've talked
12 about that.

13 But no man, which the three of my
14 colleagues are all men, are saying common sense
15 when common sense come from us who have delivered,
16 who have given birth, and who respect women making
17 a choice for themselves.

18 And I just wanted the record to say
19 that my heart is heavy. I've made every attempt I
20 can to try to rectify this non-commonsense
21 approach to a woman's right to do what she does,
22 and that is her God-given right to give birth. No
23 man can give a birth.

24 So I just do not appreciate
25 consistently hearing common sense as if I don't

1 have common sense. I've got enough sense to bring
2 this amendment, to try to fix it to no avail.

3 But thank you, Madam Chair.

4 CHAIRPERSON UNTERMAN: Thank you.

5 Senator Jordan, did you have anything
6 you wanted to say?

7 SENATOR JORDAN: I think she covered
8 it.

9 CHAIRPERSON UNTERMAN: Okay. Thank
10 you.

11 All right. So we have before us --

12 Did any other senator want to make a
13 statement?

14 (No audible response.)

15 No? Okay.

16 So we have before us a substitute to
17 House Bill 481, LC 28 9335S. I'll entertain a
18 motion on this substitute.

19 (Motion by Senator Ligon.)

20 CHAIRPERSON UNTERMAN: There's a motion
21 by Senator Ligon. Is there a second?

22 (Seconded by Senator Anderson.)

23 CHAIRPERSON UNTERMAN: Senator Anderson
24 seconds.

25 Any other discussion on this bill?

1 (No audible response.)

2 All in favor, say aye.

3 All opposed?

4 Let the record reflect substitute to

5 House Bill 481 passes. The vote's three to two.

6 So with that, no other business. We do
7 have some other bills that are in committee. And
8 I believe we're meeting on Thursday at 3:00. So
9 we'll bring those bills forward.

10 I appreciate everyone's attention this
11 morning and getting up early and being here.

12 Thank you to the senators for meeting
13 the quorum.

14 So with that, the meeting's adjourned.

15 (Proceedings adjourned.)

16

17

18

19

20

21

22

23

24

25

1 COURT REPORTER CERTIFICATE

Page 23

2 STATE OF GEORGIA:

3 COUNTY OF CHEROKEE:

4

5 I hereby certify that the foregoing
6 transcript was taken down from electronic
7 media, as stated in the caption, and the
8 proceedings were reduced to typewriting
9 under my direction and control; that the
10 foregoing pages represent a true, complete,
11 and correct transcript of the evidence given
12 upon said hearing; and I further certify
13 that I am not of kin or counsel to the
14 parties in the case; am not in the employ
15 of counsel for any of said parties; nor
16 am I in any way interested in the result
17 of said case.

18 This, the 6th day of June, 2019.



22

23

24

Elizabeth R. Hollingsworth, CCR B-1319